

LUCAS J. GAFFNEY, ESQ.
Nevada Bar No. 12373
GAFFNEY LAW
1050 Indigo Drive, Suite 120
Las Vegas, Nevada 89145
Telephone: (702) 742-2055
Facsimile: (702) 920-8838
Lucas@gaffneylawlv.com
Attorney for Charlene Scott

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHARLENE SCOTT,

Defendant.

CASE NO: 2:15-cr-174-KJD-BNW
CASE NO: 2:15-cr-193-KJD-PAL

STIPULATION TO CONTINUE SELF-SURRENDER DATE.

The United States of America, by and through JASON FRIERSON, United States Attorney for the District of Nevada, and KIMBERLY M. FRAYN, Assistant United States Attorney, and defendant CHARLENE SCOTT, by and through her counsel LUCAS GAFFNEY, ESQ., STIPULATE AND AGREE to request this Honorable Court issue an order extending CHARLENE SCOTT'S self-surrender date to the Bureau of Prisons, which is currently set for May 27, 2022.

DATED this 13th Day of May 2022.

Respectfully submitted,

/s/ Lucas Gaffney
LUCAS J. GAFFNEY, ESQ.
Nevada Bar No. 12373
1050 Indigo Drive, Suite 120
Las Vegas, NV 89145
Attorney for Charlene Scott

The instant the Stipulation is entered into for the following reasons:

1. On February 22, 2018, the defendant, Charlene Scott (“Charlene”) pleaded guilty to two (2) counts of Conspiracy to Commit Mail Fraud and Wire Fraud; six (6) counts of Wire Fraud; and three (3) counts of Mail Fraud. [ECF Nos. 217, 220]. On September 5, 2018, this Court sentenced Charlene to serve forty-six (46) months of incarceration in the Bureau of Prisons. [ECF Nos. 257, 265].
2. Following this Court’s imposition of sentence, the parties, either jointly or individually, requested to continue Charlene’s self-surrender date due to healthcare concerns with Charlene, and/or her husband, Terry Brown (“Terry”). Presently, Charlene’s self-surrender date is set for May 27, 2022. [See ECF No. 388 (case number 2:15-cr-174); ECF No. 88 (case number 2:15-193)]
3. Charlene suffers from chronic back pain due to a degenerative condition of her spine. At the beginning of 2022 the pain in Charlene’s back became progressively worse. After conducting an MRI, Charlene’s physician scheduled her for major back surgery (Anterior Posterior Lumbar Interbody Fusion). Through no fault of her own, the surgery was delayed until June 26, 2022. At present, representatives from the Nevada Spine Clinic estimate Charlene’s recovery may take up to ninety (90) days.
4. The parties respectfully request this Court issue an Order continuing Charlene’s self-surrender date for ninety (90) days.
5. Charlene is currently out of custody and does not object to the continuance.
6. Counsel has discussed this matter with AUSA Kimberly Frayn, and she does not object to a ninety (90) day continuance of Charlene’s self-surrender date.
7. This continuance is not sought for the purposes of delay.

DATED this 13th Day of May 2022.

Respectfully submitted,

/s/ Lucas Gaffney
 LUCAS J. GAFFNEY, ESQ.
 1050 Indigo Drive, Suite 120
 Las Vegas, NV 89145
Counsel for Charlene Scott

/s/ Kimberly Frayn
 KIMBERLY M. FRAYN
 Assistant United States Attorney
 501 Las Vegas Blvd. South, Suite 1100
 Las Vegas, NV 89101
Counsel for United States

1 **UNITED STATES DISTRICT COURT**

2 **DISTRICT OF NEVADA**

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4 UNITED STATES OF AMERICA,)

5 Plaintiff,)

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7 CHARLENE SCOTT,)

8 Defendant.)
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**FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND ORDER**

10 **FINDINGS OF FACT**

- 11 1. On February 22, 2018, the defendant, Charlene Scott (“Charlene”) pleaded guilty
12 to two (2) counts of Conspiracy to Commit Mail Fraud and Wire Fraud; six (6)
13 counts of Wire Fraud; and three (3) counts of Mail Fraud. [ECF Nos. 217, 220].
On September 5, 2018, this Court sentenced Charlene to serve forty-six (46)
months of incarceration in the Bureau of Prisons. [ECF Nos. 257, 265].
- 14 2. Following this Court’s imposition of sentence, the parties, either jointly or
15 individually, requested to continue Charlene’s self-surrender date due to
16 healthcare concerns with Charlene, and/or her husband, Terry Brown (“Terry”).
Presently, Charlene’s self-surrender date is set for May 27, 2022. [See ECF No.
388 (case number 2:15-cr-174); ECF No. 88 (case number 2:15-193)]
- 17 3. Charlene suffers from chronic back pain due to a degenerative condition of her
18 spine. At the beginning of 2022 the pain in Charlene’s back became progressively
19 worse. After conducting an MRI, Charlene’s physician scheduled her for major
20 back surgery (Anterior Posterior Lumbar Interbody Fusion). Through no fault of
her own, the surgery was delayed until June 26, 2022. At present, representatives
from the Nevada Spine Clinic estimate Charlene’s recovery may take up to ninety
(90) days.
- 21 4. The parties respectfully request this Court issue an Order continuing Charlene’s
self-surrender date for ninety (90) days.
- 22 5. Charlene is currently out of custody and does not object to the continuance.
- 23 6. Counsel has discussed this matter with AUSA Kimberly Frayn, and she does not
24 object to a ninety (90) day continuance of Charlene’s self-surrender date.

1 7. This continuance is not sought for the purposes of delay.

2
3 **CONCLUSIONS OF LAW**

4 Pursuant to 18 U.S.C. §3143(a), this Court may permit Charlene to voluntarily report to
5 prison if it is determined by “clear and convincing evidence that she is not likely to flee or pose a
6 danger to the safety of any other person or the community.” Accordingly, 18 U.S.C. §3143(a)
7 gives this Court the inherent authority to continue Charlene’s self-surrender date as long as she is
8 not a danger to the community or a flight risk. This Court has not found a violation of Charlene’s
9 conditions of pretrial release since setting the conditions in July of 2015, and as the Court
10 previously determined in allowing Charlene to remain at liberty pending her self-surrender to the
11 Bureau of Prisons, she is neither a danger to the community nor a flight risk.

12 **ORDER**

13 IT IS THEREFORE ORDERED that the Stipulation to Continue Self-Surrender Date is
14 GRANTED.

15 IT IS FURTHER ORDERED that CHARLENE SCOTT shall self-surrender to the
16 designated Bureau of Prisons’ facility on the 30th Day of September, 2022.

17
18 DATED AND DONE this 13th day of May, 2022.

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21 UNITED STATES DISTRICT COURT JUDGE
22 THE HONORABLE KENT J. DAWSON
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